IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 1154 of 2005

The President
Bhaironath Charitable Trust ..Petitioner

vs.

1. Bhausaheb Sahebrao Thorat
and others ..Respondents.

Shri J.S.Kini for petitioner.

CORAM: A.P.SHAH J.
8th September,2005

P.C.

. Heard learned Counsel appearing for the petitioner. Perused the order of the Tribunal. By this order the Tribunal has directed the petitioner institution to reinstate respondent no.1 with back wages. It is seen from the record that respondent no.1 was working in the petitioner school since 1996 and in 1998 he was appointed as a full time teacher on probation. It appears that the petitioner institution discontinued the services of respaondent no.1 from June, 2003 without issuing the letter of termination. Therefore, respondent no.1 approached the School Tribunal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977. Before the Tribunal the petitioner institution took totally contradictory stand at different stages.

First, it was contended that respondent no.1 was appointed as "Shikshan Sevak". Then it was contended that the petitioner was appointed on temporary basis and his services have been continued from year to year. Then altogether different stand was taken that the appointment of respondent no.1 was against the reserved post. The Tribunal after considering the material placed on record rejected defences raised by the petitioner institution. Tribunal has recorded a categorical finding of fact that the petitioner has been appointed in clear permanent vacancy and his services stood confirmed in view of the provisions of M.E.P.S.Act. I do not see any ground to interfere with the finding of fact recorded by the Tribunal. Petition is dismissed.